

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEORGE SLOAN,

Petitioner,

v.

DEAN MASON,

Respondent.

CASE NO. 2:23-cv-00124-RAJ-GJL

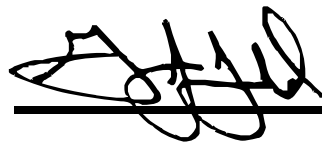
ORDER GRANTING MOTION TO
SUBSTITUTE RESPONDENT

This is a federal habeas action filed under 28 U.S.C. § 2254. Before the Court is Interested Party Attorney General’s Motion to Substitute Respondent. Dkt. 33. In the Motion, the Attorney General informs the Court that, since Petitioner is now in the custody of the Washington Department of Corrections (“DOC”) and is housed at the Washington Corrections Center (“WCC”), the proper respondent in this matter is Dean Mason, the Superintendent of WCC. *Id.* Thus, the Attorney General requests the Court substitute the proper respondent—Dean Mason, Superintendent of WCC—in this matter. *Id.* Upon review, the Court agrees Superintendent Mason is the proper Respondent and grants the Motion.

1 The proper respondent to a habeas petition is the “person who has custody over [the
2 petitioner].” 28 U.S.C. § 2242; *see also* § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th
3 Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). At the time Petitioner filed his
4 Petition, he was being held in the King County Jail as a pretrial detainee. *See* Dkt. 1. However,
5 as the Attorney General indicates, Petitioner has now been transferred to the Washington DOC to
6 serve the sentence imposed for his King County convictions. Dkt. 33 at 2. As such, Dean Mason,
7 the Superintendent of WCC where Petitioner is currently housed, is the proper Respondent in
8 this matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (the person having custody of the
9 person detained for purposes of § 2254 is typically the warden of the facility where the petitioner
10 is incarcerated).

11 The Motion to Substitute Respondent (Dkt. 33) is **GRANTED**. The Clerk is directed to
12 substitute the correct respondent—Dean Mason, Superintendent of Washington Corrections
13 Center—in this matter. Should there be a need to substitute the correct respondent again in these
14 proceedings, Respondent or the Interested Party Attorney General shall renew this Motion.

15 Dated this 13th day of July, 2023.

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18 Grady J. Leupold
19 United States Magistrate Judge
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